

**REMARKS**

In the present Amendment, Claim 9 has been amended to incorporate the subject matter of Claims 1 and 19 and to further recite --a softening temperature of 110°C to 140°C--. This amendment is supported by the specification, for example, in working Examples 2 and 5.

Claim 11 has been amended to incorporate the subject matter of Claims 1 and 21 and to further recite --a softening temperature of 110°C to 140°C--. This amendment is supported by the specification, for example, in working Examples 2 and 5.

Claims 11 and 13 have also been amended to replace the word “interlayer” with --layer--.

Claims 4 and 13 have been amended to change their dependencies.

Claims 1, 3, 19, 21 and 25 have been canceled.

No new matter has been added and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, Claims 4-18, 20, 22-24 and 26-36 will be all the claims pending in the application.

In the Office Action dated March 16, 2004, it was indicated that Claims 1, 3, 4, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 are pending and rejected. In the Advisory Action dated July 6, 2004, it was indicated that Claims 1, 3, 4, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 are rejected. None of the Office Action and the Advisory Action indicates any withdrawn claims.

Applicants respectfully disagree with the Examiner’s position. In a Response to Election of Species Requirement dated March 19, 2003, Applicants elected species I on which 1-4, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 are readable. However, Claims 5-8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 have not been canceled and are still pending in the

application. The Examiner is respectfully requested to examine these claims after 1-4, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 are allowed.

Applicants note with appreciation that the §112, second paragraph rejection of Claims 11, 13, 17, 19, 21, 25, 27 and 29 has been withdrawn. See Paragraph No. 1 of the Advisory Action dated July 6, 2004.

In Paragraph No. 2 of the Advisory Action dated July 6, 2004, it was indicated that the §102(b) rejection of Claims 1, 3-4, 9, 15, 23 and 31 on page 2 of the previous Action is repeated.

Applicants wish to point out that on page 2 of the Office Action dated March 16, 2004, it was indicated that the §102(b) rejection of Claims 1, 3-4, 9, 15, 23 and 31 has been withdrawn. Applicants believe that the Examiner intended to refer to the §103 rejection set forth on page 2, Paragraph No. 4 of the Office Action dated March 16, 2004.

In Paragraph No. 4 of the Office Action dated March 16, 2004, Claims 1-4, 9, 15, 23 and 31 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuroda et al. In addition, in Paragraph No. 5 of the Office Action, Claims 11, 13, 17, 19, 21, 25, 27, 29, 33 and 35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuroda et al.

Applicants respectfully submit that the amended claims are patentable over Kuroda et al for at least the following reasons.

The present invention differs from Kuroda et al in that Kuroda et al defines the softening temperature of 160°C or more. Comparative Examples 6 to 9 of Kuroda et al describe the resins having softening temperatures of 115°C, 125°C and 140°C, respectively. However, these

Comparative Examples do not satisfy the relationship between the shrinkage rate and specific gravity recited in the present claims.

Specifically, the shrinkage rate in Kuroda et al is measured at 100°C for 30 seconds (i.e.,  $S_{100}$ ). According to the equation of the present invention (Claim 9), i.e.,  $S_{100} > 627d-541$ , the calculated  $S_{100}$  value for the resins in Comparative Examples 6 to 9 of Kuroda et al should be at least 35.8 ( $S_{100} > 627 \times 0.92 \text{ (density)} - 541 = 35.8$ ). However, the actual measured values of  $S_{100}$  are 17, 18, 18 and 17, respectively (Table 2 of Kuroda et al). Therefore, the resins disclosed in Kuroda et al do not satisfy the requirement of the present invention. That is, Kuroda et al does not disclose or anticipate the present invention.

Further, Applicants respectfully submit that the present invention is not obvious over Kuroda et al because it provides unexpectedly superior results, i.e., large shrinkage rate, high transparency and small specific gravity, as set forth below.

Generally, when the amount of a petroleum resin increases, the shrinkage rate becomes large. However, the specific gravity also becomes large, which is a drawback. In this situation, the balance of the specific gravity and the shrinkage rate is not satisfactory.

In contrast, in the present invention, which satisfies all the recited requirements, the shrinkage rate is large while the specific gravity is small.

Further, when the softening temperature is 160°C or more as disclosed in Kuroda et al, a foaming generates at stretching and as a result, the transparency is impaired. The present invention has a different object from Kuroda in view that a shrinkable label requires transparency.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
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Accordingly, Applicants respectfully submit that the shrinkable label of the present invention having large shrinkage rate, small specific gravity and high transparency would not have been obvious over Kuroda et al.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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**23373**

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